

CITATION
STATE OF LOUISIANA

ERICA SMITH

VS

DOLGENCORP DBA

27th JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY

CIVIL NO. C-210898A

TO THE DEFENDANT DOLGENCORP, LLC D/B/A DOLLAR GENERAL STORE #11664
THROUGH ITS AGENT FOR SERVICE: CORPORATION SERVIE COMPANY, 501
LOUISIANA AVE. BATON ROUGE, LA 70802

You are hereby summoned to comply with the demand
contained in the petition/of which a true and correct copy
(exclusive of exhibits) accompanies this citation, or make
an appearance, either by filing a pleading or otherwise, in
the 27th Judicial District Court in and for the Parish of
St. Landry, State of Louisiana, within fifteen (15) days
after the service hereof, under penalty of default.

Witness the Honorable the Judges of said Court, this 9TH
day of MARCH, A. D. 2021.

Issued and delivered March 9, 2021

Racie Savage

Deputy Clerk of Court

REQUESTED BY: EULIUS SIMIEN

ERICA SMITH

SUIT NO. 21CO898 DIV. A

versus

27TH JUDICIAL DISTRICT COURT

DOLGENCORP, LLC D/B/A DOLLAR
GENERAL DOLLAR GENERAL
STORE # 11664

PARISH OF ST. LANDRY
STATE OF LOUISIANA

FILED: _____

07/09/21 11:18:53
DEPUTY CLERK St Landry Parish Clerk of Court

PETITION FOR DAMAGES

The petition of Erica Smith, a major domiciled in the Parish of St. Landry, State of Louisiana, who respectfully represents that:

1.

Made defendant herein is DOLGENCORP, LLC d/b/a Dollar General Store # 11664, which is a foreign Limited Liability company authorized to do and doing business in Louisiana with its only member, Dollar General Corporation which was formed under the laws of the State of Tennessee with its principal place of business in the State of Tennessee, which may be served through its agent for service, Corporation Service Company, 501 Louisiana Avenue, Baton Rouge, Louisiana 70802.

2.

The DOLGENCORP, LLC d/b/a Dollar General Store # 11664 is liable, unto the Plaintiff, Erica Smith, for the following, to-wit:

3.

On or about April 4, 2020, Erica Smith was proceeding with all due care and caution as a patron at the Dollar General Store # 11664 located at 10656 Highway 190, Opelousas, Louisiana and owned, operated or otherwise possessed by DOLGENCORP, LLC d/b/a Dollar General Store # 11664.

4.

At the same time, Ms. Smith was injured when she slipped in shampoo that was dripping on the floor from a display of shampoo bottles. The cashier who helped Ms. Smith up told Ms. Smith that she knew there was shampoo on the floor before Ms. Smith fell, but she had not had time to clean it up.

5.

Because there were shampoo bottles dripping shampoo onto the floor of the aisle way and

the defendant's employees did not remove the hazard despite their knowledge of it, Erica Smith was injured.

6.

This condition was created by DOLGENCORP, LLC d/b/a Dollar General Store # 11664 and was allowed to remain for an unreasonable period of time after it knew or should have known of it.

7.

Erica Smith's injuries were caused by the negligence of DOLGENCORP, LLC d/b/a Dollar General Store # 11664 and/or its agents, employees, servants, or others for whom it is legally responsible in the following non-exclusive particulars:

- a) Failing to provide a safe place for its patrons, including Erica Smith;
- b) Failing to clean up the shampoo that was dripping onto the floor of the aisle even though employees of the defendant knew of the condition and had adequate time to clean it up, thereby establishing the knowledge or constructive knowledge of the hazard;
- c) Creating the hazardous condition by allowing bottles of shampoo that were dripping shampoo onto the floor to remain on the shelves and failing to take reasonable steps to correct the hazard or otherwise prevent the injuries;
- d) Failing to take adequate and proper steps, including, but not limited to, failing to warn of the hazard;
- e) Failing to institute, promulgate and enforce policies and procedures relative to the proper steps to be taken to prevent and discover slip and fall hazards and to remedy the those hazards after they are discovered or should have been discovered; and
- f) Other acts of negligence to be proven at the trial of this cause.

8.

As a direct and proximate result of the above-described incident, Erica Smith has suffered injuries and/or aggravations of pre-existing injuries to her hand, thumb, back, knee, ankle and other parts of her mind and body, resulting in general damages including physical injury and the accompanying pain and suffering and mental pain and anguish, including worry, upset and loss of enjoyment of life.


9.

As a direct and proximate result of the above-described incident, Plaintiff, Erica Smith has suffered special damages including medical bills, loss of income and/or earnings capacity, and the loss of the ability to provide services for herself that she would have otherwise provided.

WHEREFORE, Erica Smith prays that, after the expiration of all legal delays and due proceedings had, there be a judgment rendered herein in her favor and against the defendant, DOLGENCORP, LLC d/b/a Dollar General Store # 11664 for all damages reasonable under the premises together with legal interest thereon from the date of judicial demand until paid, for all costs of these proceedings and any other damages, penalties, or sanctions reasonable under the premises.

Respectfully submitted:

Simien & Simien, L.L.C.
Attorneys and Counselors at Law
7908 Wrenwood Boulevard
Baton Rouge, Louisiana 70809
(225) 932-9221; (225) 932-9286 (fax)



By: Eudis Simien, Bar # 12077
Jimmy Simien, Bar, # 1598
Mark W. Simien, Bar # 23303

PLEASE SERVE:

DOLGENCORP, LLC d/b/a
Dollar General Store # 11664
through its agent for service
Corporation Service Company
501 Louisiana Avenue
Baton Rouge, Louisiana 70802

St. Landry Parish Clerk of Court's Office

Filed 3.9.21

Lacie Savage

Dy. Clerk

3.9.21
OPELOUSAS, LOUISIANA
This is to certify that the above is a true
and correct copy of the original on file in the
office of the Clerk of Court of St. Landry Parish.
Lacie Savage
Deputy Clerk of Court